

## **2021 IIA MS Teams Conference Minutes**

### **Revision of the Guidance for Processing COVID RIN requests without IIA Inspection**

Date(s) Held: Wednesday, February 24, 2021 (12:00 -1:00)

#### **Agenda**

Welcome Remarks: PHH-33 Chief Duane Cassidy

Legal Brief: Tevin Frederick

Topic: Dialog concerning potential revisions of guidance on COVID Temporary Approval for RIN holders due to Travel and Quarantine Restrictions

#### **IIA Attendees:**

Wednesday, February 24, 2021

- Chris Martin/ Cylinder Services, Inc.
- John Harris /T. H. Cochrane Laboratories
- Tommy Hin/ Authorized Testing, Inc.
- Bruce Redfield/The Hartford Steam Boiler Inspection & Insurance Company
- Mike Phares/ Professional Services, Inc.
- Paul Jensen/ Advanced Cylinder Certification, Inc.
- Don Burger/ PHMSA, Acting Director, Approvals and Permits Division
- Duane Cassidy/PHMSA, Chief Pressure Vessels Branch
- Neil Benninghoven PHMSA, Transportation Specialist
- Diane Jones PHMSA, Transportation Specialist
- Kenneth Clark PHMSA, Transportation Specialist
- Aris Generette PHMSA, Attorney Advisor
- Tevin Frederick PHMSA, Honors Attorney
- Madison Saniuk PHMSA, Attorney Advisor

#### **Meeting Begins:**

The Pressure Vessels Branch Chief, Mr. Duane Cassidy welcomed the Independent Inspection Agency (IIA) participants, Introduced Don Burger (Acting Director of Approvals and Permits, and both gave remarks on the scope of the meeting:

Don Burger

- PHMSA wants to define the problems involved and find a solution that doesn't inhibit the role of the IIA and sticks to the premise of the regulations currently defined for cylinder requalification facilities in the regulations.
- This waiver does not apply to new companies, and this conversion will be limited to the COVID RIN waiver policy. Other items, such as manufacturing approvals, and other separate IIA issues will be addressed in the IIA meeting currently being scheduled

Duane Cassidy

- PHMSA is floating ideas about implementing a remote inspection program with Field Services. It is currently being developed
- This waiver does not apply to new companies, and this conversion will be limited to the COVID RIN waiver policy. Other items, such as manufacturing approvals, and other separate IIA issues will be addressed in the IIA meeting currently being scheduled
- Remote Inspections would be temporary, for the near future, with possible incorporation on a more permanent basis once PHMSA has adopted its own remote inspection process and approves the remote inspection plans for its IIAs.
- One proposal is to push back to IIAs. PHMSA would set guidelines on how IIA's provide recommendation for 1 year approval
- Second proposed idea is to augment IIA inspection with PHMSA investigators, although the details of this haven't been discussed.
- Another option is to do nothing and let the current waiver expire
- Lastly, extend the waiver out for a longer period of time. The current proposal is to extend the current waiver out to April 15, 2021 to allow time to finalize what PHMSA's policy will be going forward, which is why we are looking for input from our domestic IIAs.

#### Wednesday, February 24, 2021 Questions and Comments:

Paul Jensen

- Requests Consistency across the board for all IIA procedures. Requesting 1 more year of an extension

Tommy Hin

- Timeline concerns with virtual inspections as far as time difference.
- Virtual for Renewals only
- Outside of 60-day window, they don't get put to the front of the line.
- Some International countries still requiring 14-day quarantine

John Harris-

- International bigger concern. Agrees Domestically is opening back up. Slight extension request 3 months/ 6 months to help catch up.

Bruce Redfield

- Remarks on presentation HSB gave to PHMSA earlier in the year regarding their company's development of virtual inspection he was involved in. Permission was not granted at the time by PHMSA. Not overly uncomfortable with remote setting. Request guidelines given by PHMSA. Has done remote inspections in other aspects of work but not for DOT/TC. Remote Inspections would be short term, as they prefer onsite inspection

Mike Phares

- Domestic Only, would prefer to do these live and not remote but given the circumstances, possibly giving an extension through June and establish a process for remote inspections.

Chris Martin

- Did more inspections last year than passed two years. No back log. International is where they have hold up. Given employees access to Microsoft Teams. Agrees with remote inspections if it is clear and has guidelines. PHMSA would have to develop those.

Paul Jensen

- has not had COVID as an issue as to why they couldn't inspect. It slowed things down in the beginning of 2020, but transportation modes are opening up, States have less restrictions, and there are ways, between vaccines and documentation, to eliminate the barriers to travel/inspection. Open to virtual inspection if appropriate guidelines developed by PHMSA, but would prefer onsite inspection.

Duane Cassidy

- refers to remote inspections possibly having implication later on down the line that it could get out of hand if authorized.
- Possible use of the PHH-40 within the United States during emergency situations in lieu of IIA's, with some sort of modification. However, the use of PHMSA personnel would have to be defined.
- PHMSA looks to draft and post an extension of the current waiver to expire April 15, 2021 for COVID, Temporary Approval. In the meantime, PHMSA will develop a way forward on this issue. PHMSA will not issue extensions indefinitely. There is an end game to this waiver policy. We are taking your input to assist in making a decision on this policy going forward. Thank you for attending, and we will reach out to you regarding the minutes of this meeting and the parking lot items. We request that you respond within 1-2 days with your comments on the parking lot items to [approvals@dot.gov](mailto:approvals@dot.gov).

**Parking Lot:**

Do you have a remote inspection process drafted or in draft?

Do you have a back log (renewal)? How long is your company's back log of conducting inspections for renewal?

Are you as an IIA comfortable performing remote inspections should PHMSA go that direction?

Should action be taken at all or should PHMSA allow the waiver policy to expire April 15th? Do you have specific concerns/issues currently performing inspections Domestic vs. International? Do you recommend different policies domestically vs internationally?

